

APPROVED: MAY 12, 2016

Town of Durham CONSERVATION COMMISSION MEETING

Thursday April 14, 2016 7:00 PM

15 Newmarket Road, Durham, NH

Members Present: Robert Sullivan, Chair; Coleen Fuerst; Dick Wollmar; Otho Wells; Sally Tobias, Alternate; Michael Morneault, Alternate; Diana Carroll, Town Council Representative; Barbara Dill, Planning Board Representatives; John Nachilly

- 1) Call Meeting to Order. Recognize members present.

Chair Sullivan called the April 14, 2016 meeting of the Durham Conservation Commission to order at 7:01 pm and noted the members present.

- 2) Agenda Approval

Otho Wells MOVED to approve the Agenda as written; this was SECONDED by Coleen Fuerst and APPROVED unanimously.

John Nachilly introduced himself saying he has been a resident of Durham for nine years and previously lived in Madbury. He noted that he served on the Madbury Conservation Commission for 16 years and as Chair for 5 years. Mr. Nachilly said he is an active outdoorsman (participating in running, biking, snow shoeing and hiking). He said he is also familiar and active in property conservation through three different organizations.

- 3) Public Comments - There were no Public Comments at this meeting.

Diana Carroll spoke to the members regarding the Amtrak Downeaster train. She noted the train has been operating for 15 years and every year the ridership increases. Ms. Carroll said that there are currently 10 trains that stop in Durham on a daily basis (5 northbound and 5 southbound). Ms. Carroll distributed the train schedule to the members. She said the Downeaster allows children 12 and under to ride free on the train on Sundays (other days they ride for half price); she noted there is also a senior discount program (62 and older ride for half price) and there is also a college six tick program that allows college students to purchase six one way tickets at a discounted price.

Ms. Carroll pointed out that there is free parking at the Depot Road parking lot for Durham residents using the train. She said that Durham resident must go by the police department to get a pass prior to parking in the lot.

Chair Sullivan noted that Oyster River High School Juniors and Senior will be holding a presentation of the study they have done of the woods in the area of the schools. He said the students have been studying the area for approximately six years and have done a lot of work in the area. He said the

presentation will be held on April 20th 1:45-2:30 and all are encouraged to attend. Chair Sullivan said the students have been advised by ORHS teacher, Jon Bromley.

4) Presentations – N/A (0) – There were none at this meeting.

5) Minutes: Review/Approve - Draft March

Barbara Dill MOVED to approve the March 2016 minutes as amended; this was SECONDED by Otho Wells and APPROVED by a vote of 7 in favor and two abstaining due to not being present at the March 2016 meeting.

*abstained: John Nachilly and Diana Carroll as they were not present at the March 2016 Durham Conservation Commission meeting.

6) Old Business (10)

a. Oyster River Forest – Fundraising progress

Chair Sullivan said that \$17,000 of the \$38,000 of funds needed for the Oyster River Forest project have been raised. He explained that the money will be deposited into the Conservation Commission Fund and will be accounted for separately. He noted that as portions of the project are completed they will be paid for from the Conservation Commission Funds.

Sally Tobias said that Carden Welsh noted that part of the project may need to be accomplished before the funds are available and spoke with the Town Administrator about this. She said that Todd Selig suggested that the Conservation Commission front the funds needed (if needed) with the idea that the Conservation Commission will be reimbursed for the funds once they are raised. She noted the request would come before the Commission and at that point the Commission members would need to vote on that possibility.

Chair Sullivan suggested having Malin Clyde make a presentation discussing the project in more detail to the members at the May meeting. He said he has a hard copy of the plan and will send it to any member that would like to review it. Chair Sullivan noted that it is also on line at the Durham website.

Otho Wells noted he has not seen any mention of public fund raising for this project.

John Nachilly asked if stewardship is part of the funding plan.

Sally Tobias said that if funds are collected above and beyond what is needed they would keep it in a fund for future maintenance of the trails.

John Nachilly said that when building trails funds are needed or a commitment from a Town department for maintenance of the trails.

Sally Tobias said the program would fall under Parks and Recreation.

John Nachilly noted that the property is under the purview of the Conservation Commission to monitor.

Chair Sullivan said that Oyster River Forest is unique; and it may be good to discuss the management of this property in the near future.

Otho Wells said that LCHP is the monitoring agency for Oyster River Forest.

The members discussed the possibility of purchasing or renting a drone for the purpose of assisting in monitoring town properties (specifically those that are not easy to access). Mr. Wollmar said he has thought about a purchase for just that purpose. He said he spoke with the head of Southeast Land Trust about it. He said he saw one for \$1500 that would be suitable.

Mr. Nachilly observed that there are new rules in place for drones by the FAA. He said that an individual needs to stay within sight of the drone – so it may be a challenge to use one for property monitoring.

Ms. Fuerst will look into this possibility and its regulations further.

b. Thompson Closing – financial report

Chair Sullivan noted that the Thompson property closing occurred! He said there is currently \$145,000 in the Conservation Fund that is not reserved); \$250,000 has been reserved for the Emery Farm property project (the project has been funded by NRCS). Chair Sullivan explained that NRCS ranked the project as a top applicant and awarded \$860,000 to purchase a conservation easement.

c. Notes on process regarding property purchase or easement:

Chair Sullivan said that the Conservation Commission makes recommendation to support a project; discusses, holds a public meeting for comment; and if the members decide to support the project they make a motion to that affect and to allocate whatever funds they agree upon. He said the Town Council asks them to make a presentation on the project and decides to accept the expenditure of the funds and accept the property or not. He said that will need to be done on the Powder Major Project. Chair Sullivan explained that they are currently waiting for the easement language before this process begins.

Diana Carroll said that two public hearings are held; one by the Conservation Commission and one by the Town Council.

Chair Sullivan said that the Powder Major Easement language should be available for review within the next month and after that a public hearing will be scheduled.

John Nachilly said that the Powder Major property is part of a larger number of properties working together to form a larger plan. He said that there is some good adjacent land that could be tied in with the larger project and suggested discussing that and getting the other landowners involved.

Ms. Carroll said that some Durham residents will be very excited about the Tri Town Greenway project and some will say there is enough conserved land already. She said that sometimes it is better to proceed a little at a time.

Mr. Nachilly said that there may be some landowners willing to work with the Town on a fee basis or on a donation basis. He said that he spoke with the Madbury Conservation Commission Chair about this recently. Mr. Nachilly said that the Madbury Chair recommended that Durham consider tying in to this effort as part of the funding portion.

Chair Sullivan noted that two million dollars is needed for the entire project and there has been a million dollars raised to this point; so approximately one million dollars more is needed to raise for the project to occur.

Mr. Nachilly said that the Forest Society is working on this project with other agencies and individuals. He said he is also working on this with other agencies; such as mountain biking agencies. He noted that there are a number of interested national parties that could be brought into the fundraising.

Chair Sullivan said that this property protects a huge portion of the headwaters for Oyster River and it ties into other lands conserved in Durham and around the Oyster River Forest.

d. Mill Plaza project – May 11

Chair Sullivan said when the Mill Plaza project is formalized (May 11th public meeting held by the Planning Board) the Conservation Commission will need to be involved.

e. Hill property on Rt. 4 – see above notes

7) New Business

a) Strategic plan for future work and priorities –

Chair Sullivan said that Title III is the NH state law that governs Conservation Commissions' existence and their rules to operate by. He said the mission statement is on the website. He suggested discussing what projects the Commission is currently involved in and what they would like to do in the future. He distributed a list for the members to review and discuss:

- 1) Maintenance of conserved properties
- 2) Development of newly conserved properties (Thompson Preserve, Oyster River Forest)
 - a. Trails?
 - b. Access?
 - c. Signage?
- 3) Review of proposed projects and plans (Mill Plaza, infills)
 - a. Review under Town guidelines for new development
 - b. Emphasis on good conservation practices
- 4) Public awareness of conservation land
 - a. Need to make the public aware of the conservation land in Durham – increase usage of the lands by residents. Build support of the properties and for future conservation of lands.
- 5) Public Education – water quality issues, septic system public education

Chair Sullivan asked for thoughts and comments.

Mr. Nachilly said that the Master Plan for conservation in Durham discusses focus areas and importance of protecting green spaces. He suggested that the members review the chapter and determine if those focus areas and/or priorities have changed. Mr. Nachilly said the members may want to discuss if we can tie into regional initiatives and how that factors into priorities.

Chair Sullivan said that it also ties into maintenance and development of conserved properties.

Otho Wells said that the Natural Resources chapter which was just updated addresses much of that.

Mr. Nachilly said that certain projects were suggested for recreation and trails, others were suggested to be kept pristine, etc.

Chair Sullivan said there are property binders for each town property with a management plan which are also online.

Mr. Nachilly suggested reading a few of those binders and seeing if that provides the Commission with some priorities or focus. He asked how that could be tied into management and protection priorities.

Mr. Wells said it would be useful to have copy of the recent chapter that was written for the members to review.

Chair Sullivan said he would like the Commission to choose a project for 2016 to be accomplished and completed.

Sally Tobias encouraged the members to think about the Mill Plaza area redevelopment and the area surrounding the brook.

Barbara Dill agreed, asking what the procedure will be for the Commission to hear a presentation regarding the Mill Plaza. She asked if there will be a presentation with a slant toward conservation and how they will restore the area.

Chair Sullivan said it would be important to have a member from the Conservation Commission present at the TRG meetings.

Ms. Tobias said that the Conservation Commission needs to approach the project from a different perspective than the Planning Board.

Chair Sullivan said he will discuss the Mill Plaza project with the town planner, Michael Behrendt. He summarized that he will revise the set of priorities and distribute to the members for their review and comments.

Ms. Tobias said that it is not well known where information on Town properties can be found (online under the Conservation Commission webpage).

Mr. Wollmar said that the property notebooks provide a lot of information and the properties.

Michael Morneault said that some view it as a detriment to their tax bill to put land in conservation. He agreed that the information on the properties does need to be more visible. He suggested having a webpage specifically for town lands.

Mr. Nachilly said that he knows from experience that a lot of conservation property abuts UNH property – and UNH has a different set of rules and frequently they do not want the trails on their property noted or advertised. He said that Durham can only work up to town conservation easement and need to stop at UNH portion of land. He said the conservation of the trails on UNH property needs to be addressed.

Mr. Nachilly suggested having the UNH land manager speak with the Commission (Steve Eisenhower).

Otho Wells said that the visual entrance of properties is very important. He said as an example the Thompson property is not identified; so no one would know what it is and that it is Durham land. He suggested making a visual welcome entrance and noted that the same is true for the Oyster River Forest.

Mr. Nachilly suggested that LCHP signs should be put up at the Oyster River Forest. He said that in Madbury they would post LCHP signs along the boundaries of the properties.

Ms. Tobias said they need to encourage people to use the lands and then the residents become involved and fundraising becomes easier.

Ms. Fuerst said that a property such as Thompson Property (overlooking the water) could have picnic tables placed strategically along the water and become a destination for residents.

Mr. Wells asked what can be done about parking for the Thompson property. He suggested working with the Town to provide parking for the area.

Mr. Nachilly said there are a lot of invasives along that property. He said it does provide good access to the river but there are a lot of invasives there today.

Ms. Tobias suggested choosing a property and highlighting it on the Conservation web page and Friday Updates.

Mr. Morneault said an individual should be able to google search and come up with it. He said that a standalone site that is linked to Appalachian Club or other hiking club would be more likely to come up on a search.

The members discussed signage and the map at the Oyster River Forest kiosk. Mr. Wells suggested asking Ellen Snyder for a new map of the trails. He said it was noted that there is also a need for UV coverage for the map to keep it from fading.

Mr. Nachilly suggested having the glass of the kiosk treated for UV coverage. (have UV plexiglass in the kiosk to protect the documents inside from fading).

Chair Sullivan and Mr. Wells will work together on this and discuss with Ellen Snyder.

b) Doe Farm work on invasives –

Chair Sullivan said that the Doe Farm is managed by the Trustees of the Trust Fund and they have work going on with regard to invasives. He said if the members are asked any questions about the work they should suggest speaking with the Trustees of the Trust Fund for more information.

8) Ongoing Business/Tasks/Working Groups (30)

a) Land Protection - Thompson Farm closed, Powder Major project –discussed earlier

b) Land Stewardship - committee structure, rep from commission -

Ms. Tobias noted that there are three members from the Town (non-voting – Mike Lynch, Rachel and Todd Selig) representatives from committees: Sally Tobias (CC), Town Council Rep and ones are needed from the Agricultural Commission and Parks and Recreation. She said there are three “at large” members; Dick Wollmar, Malin Clyde and Dennis Meadows. She asked if the members need to be approved by the Conservation Commission.

She said that the RAs from UNH are volunteering to clean trails at Wagon Hill, but Dennis Meadows expressed concern about the need to have more professionally created trails at that site. She said that currently there is no plan for that; only the volunteers to help clean them up and place woodchips and logs to determine where trails are.

c) Permits – dock, 80 Wiswall Road site walk, ORHS track

Chair Sullivan said that the dock permit is moving ahead.

He said that there was a site walk of 80 Wiswall Road this week. He explained that the ZBA was reviewing this permit application for a house being built just inside the wetland set back and they did not approve the special exemption. Chair Sullivan said that he and Ms. Tobias attended the site walk and then spoke at the meeting. He said he noted that he is not in favor of the special exemption because it would encroach on the wetland set back and suggested that the Homeowner see if the building can be moved so that it does not encroach on the wetland set back.

Chair Sullivan reported that the ORHS track is currently being constructed. He said he walked the construction site to ensure they were using barriers and silt fences. Chair Sullivan said he noted some small issues and asked for some changes to be made to improve those issues. Chair Sullivan will continue to monitor the area.

GRIFFITH DRIVE – installation of PRB. Chair Sullivan noted that the town is performing this work and they asked to access the area across the lawn, over a wetland adjacent to the leach field (they will put down mats). He asked if the members have any objections to the new approach to the location and there were none.

9) Board and Council Reports

a) Town Council - Carroll – no report for this meeting

b) Planning Board - Dill – no report for this meeting

c) ZBA –

Ms. Tobias noted that they attended a site walk for 80 Wiswall Road. She said there was some concern from neighbors about the project. She said that Robin Mower was at the meeting and noted that the house could be built on a different spot on the property. She said the ZBA is very conflicted.

Chair Sullivan said the plan was not very well defined and they were looking for flexibility.

Barbara Dill noted that they do not own the property yet and were looking for a sense of certainty that if they bought this property they would be able to build their house. She said they spoke about wanting a passive solar house and needing as big a surface as possible and for the house to be located in a specific location.

10) Administrative

a) Website updates – Chair Sullivan reminded the members that if they want changes to the website or addition they should provide the information to Ms. Tobias. He also encouraged the members to think about ways to improve the website and discuss them with Ms. Tobias.

11) Other Business/Announcements/Reminders

a) ORHS / Jon Bromley Class presentation – April 20 from 1:45-2:30 – discussed earlier in the meeting.

b) Next regular meeting – May 12, 2016

c) Chair Sullivan said that Ann Welsh provided a spreadsheet that lists the key properties in town, and a description of preventative maintenance that needs to occur on each property. He suggested that the Commission work on that and discuss this next month.

12) Adjournment

Dick Wollmar MOVED to adjourn the April 14 2016 meeting of the dcc at 8:5 pm; this was SECONDED by Coleen Fuerst and APPROVED unanimously.

Respectfully submitted by,

Susan Lucius, Secretary to the Durham Conservation Commission